

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
GUANGZHOU JINSHEN LEATHER CO., LTD, *et al.*,

Plaintiffs,

-v-

ACCESSORIES DIRECT INTERNATIONAL
USA, INC., and RODY MOREIRA,

Defendants.
-----X

24 Civ. 46 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

In Plaintiffs’ Memorandum of Law in support of their motion for default judgment, Plaintiffs argue that they have adequately pleaded facts sufficient to support a claim of breach of contract and a claim of fraudulent inducement. Dkt. 42 at 9-12. Plaintiffs have not, however, explained how the fraudulent inducement claim is not duplicative of the breach of contract claim under New York law. *See Bridgestone/Firestone, Inc. v. Recovery Credit Servs., Inc.*, 98 F.3d 13, 19-20 (2d Cir. 1996); *Ricatto v. M3 Innovations Unlimited, Inc.*, No. 18 Civ. 8404 (KPF), 2019 WL 6681558, at *10 (S.D.N.Y. Dec. 6, 2019) (“[W]here a plaintiff pleads a tort claim in addition to a contract claim and the tort claim seeks the same benefit sought under the contract claim, the tort claim becomes duplicative of the contract claim and may not stand.”). Additionally, the Complaint fails to plead Defendant Rody Moreira’s domicile and thus fails to establish a proper basis for Court’s subject-matter jurisdiction over the claims against him. *See Avant Cap. Partners, LLC v. W108 Dev. LLC*, 387 F. Supp. 3d 320, 322-23 (S.D.N.Y. 2016).

Accordingly, by 5:00 p.m. on November 5, 2024, Plaintiffs shall file a submission explaining why the breach of contract and fraudulent inducement claims are not duplicative under New York law, and why the Court has subject-matter jurisdiction over the claims against Moreira.

If Plaintiffs are unable to make an adequate submission on these issues by that deadline, they alternatively may seek an adjournment of the hearing currently scheduled for November 6, 2024, at 11:00 a.m.

SO ORDERED.

Dated: November 4, 2024
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", written over a horizontal line.

JOHN P. CRONAN
United States District Judge